



CITY OF PHILADELPHIA

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DEPARTMENT OF PUBLIC HEALTH
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Facility Compliance & Enforcement
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Philadelphia, PA 19104

Telephone (215) 685-7572
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November 14, 2013

CERTIFIED MAIL NO: 7012 3050 0000 6324 3222

Charles D. Barksdale Jr.
Manager, Environmental Department
Philadelphia Energy Solutions Refining and Marketing, LLC
3144 Passyunk Avenue
Philadelphia, PA 19145-5299

**RE: Demand for Stipulated Penalties for Violations of United States et al. v. Sunoco, Inc.,
Civil Action No. 90-5-2-1-1744/1 (E.D. Pa.) Consent Decree, Filed March 20, 2006**

Facility: PLID: 01501 - PES Refinery, 3144 Passyunk Ave., Philadelphia, PA

Dear Mr. Barksdale:

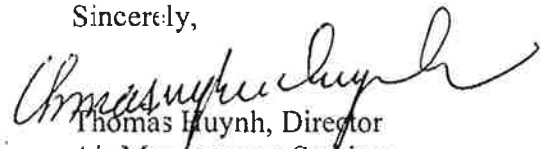
On or about July 29, 2013, the City of Philadelphia (City) Department of Public Health, Air Management Services (AMS) issued a Notice of Violation (NOV) to Philadelphia Energy Solutions Refining and Marketing, LLC (PES) for multiple violations of Title 3 of the Philadelphia Code, Phila. Code §§ 3-101-3-402; the Pennsylvania Air Pollution Control Act (APCA), 35 P.S. §§ 4001 et. seq.; the Clean Air Act (CAA), 42 U.S.C. §§ 7401 et. seq.; and the respective regulations promulgations thereunder at the above referenced Facility. See Attached July 29, 2013 NOV. AMS determined that certain violations cited within this NOV constitute violations of the March 20, 2006 Consent Decree (Consent Decree) as amended, and are subject to stipulated penalties as follows:

- On September 24, 2012 PES missed the repair due date for a pump (P-182) at unit 433 at the Facility by four (4) days; See Attached Id. Item 9. Pursuant to Consent Decree Paragraphs 83.b. and 177, PES is subject to a stipulated penalty in the amount of one hundred dollars (\$100) for this violation (\$100 per violation).
- On April 25, 2013, PES failed to demonstrate that the 1232 FCCU at the Facility complied with the 0.5 lbs PM/ 1000 lbs coke burn off limit; See Attached Id. Item

Paragraphs 16 and 129, PES is subject to a stipulated penalty in the amount of one hundred sixty six thousand five hundred dollars (\$166,500) for this violation (\$1,500 per day for the 111 days that elapsed between the unsuccessful and successful stack tests).

Accordingly, AMS demands a total stipulated penalty in the amount of one hundred sixty six thousand six hundred dollars (\$166,600), to be split evenly between the United States and the City. See Consent Decree Paragraphs 193, 194. If you have any questions regarding this letter, please contact Bajram Nela with AMS at (215) 685-7575 or Bruce Augustine with United States Environmental Protection Agency at (215) 814-2131.

Sincerely,



Thomas Luynh, Director
Air Management Services

Cc (Hard Copy):

Chief
Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice
P.O. Box 7611
Ben Franklin Station
Washington, DC 20044-7611
Reference Case No. 90-5-2-1-1744/1

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U.S. Environmental Protection Agency
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Director, Air Enforcement Division
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Bruce Augustine
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Pennsylvania Department of Environmental Protection
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Facility Manager - Philadelphia Refinery
3144 Passyunk Avenue
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